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18 UNITED STATES OF AMERICA

19 UNITED STATES DISTRICT COURT

20 FOR THE CENTRAL DISTRICT OF CALIFORNIA

21 UNITED STATES OF AMERICA,

22 No. CR 23-CR-247-SPG- (3)

23 Plaintiff,

24 GOVERNMENT'S RESPONSE TO MOTION  
25 FOR MODIFICATIONS OF CONDITIONS  
26 OF RELEASE

v.

27 MAHER FAKHOURY (3),

28 Defendants.

29 Plaintiff, United States of America, by and through its counsel  
30 of record, the United States Attorney for the Central District of  
31 California and Special Assistant United States Attorney Holly  
32 Pavlinski, hereby submit this Government's Response to Maher  
33 Fakhoury's Motion for Release on Bond.

34 **Procedural History**

35 After arrest and two full hearings on the matter of detention,  
36 one before and one after the Rule 5 transfer, Defendant was detained.  
37 (CDCA 2:19-MJ-02048-DUTY ECF 6; WDTX 2:19-CR-1169-AM- (3) ECF 145, 180)  
38 Defendant appealed to the then-assigned United States District Court

1 Judge Alia Moses, who denied Defendant's Motion for Bond. (WDTX 2:19-  
2 CR-1169-AM- (3) ECF 311). Defendant filed three subsequent motions for  
3 bond before bond was granted on June 29, 2023. (WDTX 2:19-CR-1169-AM-  
4 (3) ECF 340, 547; CDCA 2:23-CR-00247-SPG- (3) ECF 28, 69). Part of the  
5 conditions of bond that the Court found were necessary to overcome the  
6 presumption in this case were that Defendant be placed on location  
7 monitoring. (CDCA 2:23-CR-00247-SPG- (3) ECF 87).

8 **Standard of Review**

9 Pursuant to 18 U.S.C. § 3145, a party may file a motion seeking  
10 revocation or amendment of orders granting release or detention.

11 Where, as here, there is probable cause to believe that the  
12 defendant committed an offense under 21 U.S.C. §§ 802(32)(A), 813,  
13 841(a)(1)/(b)(1)(C) and 846, a rebuttable presumption exists that "no  
14 condition or combination of conditions of release will reasonably  
15 assure the appearance of the person as required and the safety of the  
16 community." 18 U.S.C. § 3142(e)(3)(A).

17 **Argument**

18 Government opposes modification of Defendant's bond. Removing the  
19 location monitoring location would no longer leave in place conditions  
20 or combinations of conditions that could ensure the safety of the  
21 community and Defendant's appearance in Court.

22 Two magistrate court judges and a district court judge have  
23 previously found detention was appropriate; only recently did this  
24 Court find conditions of bond with location monitoring would overcome  
25 the presumption of dangerousness and risk of flight.

26 Additionally, since the last bond hearing, the government has  
27 become aware of further information that Defendant is a risk of flight  
28 and a danger to the community. (See Exhibit A, Search Warrant,

Attachments, Return, and Affidavit in the District of Columbia, IN THE MATTER OF THE SEARCH OF INFORMATION ASSOCIATED WITH ONE ACCOUNT STORED AT PREMISES CONTROLLED BY GOOGLE LLC PURSUANT TO 18 U.S.C. 2703 FOR INVESTIGATION OF VIOLATION OF 18 U.S.C. 1956, Case Number 20-sc-2077). Specifically, Defendant has indicated support for ISIS and Hamas, and had frequently travelled to Turkey and Jordan.

## Conclusion

Government does not believe the proposed modification of conditions would ensure the safety of the community or the appearance of Defendant. The Government requests a hearing on Defendant's request to remove the condition of location monitoring.

Respectfully submitted,

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/s/ Holly Pavlinski

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